

Exhibit F

October 2, 2020 email from Defendants' counsel to Plaintiffs' counsel setting out agenda for conference on discovery issues

From: Robert Knoer
To: ["Joshua D. Smith"](#)
Cc: [Max Gershenoff](#); [Colin M. Knoer](#)
Subject: RE: GEICO v. Strut et al - Proposed Deposition Dates and Discovery Issues
Date: Friday, October 2, 2020 1:22:00 PM
Attachments: [200530 Notice of Depo \(GEICO Casualty\).pdf](#)
[200530 Notice of Depo \(GEICO General\).pdf](#)
[200530 Notice of Depo \(GEICO Indemnity\).pdf](#)
[200530 Notice of Depo \(GEICO\).pdf](#)
[image002.png](#)
[image003.png](#)

Joshua,

Those dates are fine for Defendants depositions. We are open to discussion on in-person vs remote. If remote, do you have a proposed protocol stipulation that you have used?

We prefer taking GEICO's depositions first based on our Notices sent in May. (attached) To that end we are available to conduct depositions on Oct 27-29 and Nov 10-12. Please confirm if that works for GEICO.

Before we can take depositions however we will need to resolve some significant outstanding discovery issues. Specifically:

I. Document issues:

- From our review to date GEICO's SIU file contains only information about a 2016 investigation. There is no investigatory material from the relevant period. Is that accurate?
- GEICO did not turn over any SIU reports filed with DFS
- GEICO did not turn over any documents related to fraud reports under NY Ins. L 405 and/or 11 NYCRR 86
- The SIU file contained two test recordings and a WPL file that indicated an associated playlist. We believe there may be recorded interviews with patients or providers that are being withheld.
- GEICO has provided no privilege log, nor have they redefined the scope of interrogatories. As such defendants cannot determine what, if any, documents are being withheld.
- GEICO refused to turn over any documents about their policies and procedures for analyzing claims based on relevance and proportionality.

II. Interrogatory issues

- GEICO refers defendants to the SIU files in response to 8 of Strut's interrogatories. We can't determine sufficiency of those answers because we do not have complete relevant SIU files
- GEICO refers defendants to claims files in response to many of Hart's interrogatories about specific patient allegations. It is improper for GEICO to require defendants to review documents and try to divine the basis of their complaint where GEICO supposedly already did so in developing a basis for the complaint.

I suggest a call with counsel to discuss. If that does not resolve the issue we should seek direction

from the court.

We can be available for a Zoom call on:

Tuesday October 6 at 4:00
Wednesday October 7 at 4:00
Thursday October 8 after 2:00

Let me know what works for you.

Bob

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From: Joshua D. Smith <Joshua.Smith@rivkin.com>
Sent: Thursday, October 1, 2020 9:56 AM
To: Robert Knoer <rknoer@knoergroup.com>; Colin M. Knoer <cknoer@knoergroup.com>
Cc: Max Gershenoff <Max.Gershenoff@rivkin.com>
Subject: GEICO v. Strut et al - Proposed Deposition Dates

Bob and Colin,

We propose to notice depositions of Strut and RES (30(b)(6) for November 19, 2020 and Hart for November 20, 2020. Please let us know your thoughts on these dates. Additionally, please let us know what deposition(s) you anticipate taking and when you would like to conduct them.

Also, please let us know your current thoughts on in-person vs. virtual depositions in this matter. Thank you.

-Joshua

Please note to reduce the quantity of paper coming into our offices during the Coronavirus crisis when our staff is working remotely, we request that all communications with this office should be through electronic means. Your cooperation is appreciated.



Joshua D. Smith

Partner

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